

**Beaver County  
Planning & Zoning Commission  
February 27, 2018  
6:30p.m.**

**Minutes**

Attendance: Darrel Davis- Chairman, Mike Riley, Walter Schofield, Drew Coombs, Kolby Blackner, Don Noyes, Jared Gillins representing the Zoning Department, Leo Kanell as Attorney and Kyle Blackner as Zoning Administrator.

Visitors: Brandon Yardley, Mike Yardley, Brandon Robbins, Gene Slater, Ray Nelson and Scott Albrecht. See attached list of 51 additional visitors

Called to Order at 6:32 p.m.

**MINUTES:**

Minutes from the January 16, 2018 meeting were reviewed. Kolby Blackner made a motion to approve the minutes. Don Noyes seconded the motion. Mike Riley, Walter Schofield, & Drew Coombs voted for, thus the motion passed unanimously.

**CONDITIONAL USE PERMIT:**

Yardley Leasing owners, Mike & Brandon Yardley, and Smartagsolar representatives, Brandon Robbins & Gene Slater, came before the board seeking a Conditional Use Permit to install eleven (11) ground-mount solar arrays to generate power for their existing wells in multiple sections of T28S, R10&11W in Agricultural Districts. They will install dual action trackers that follow the sun to minimize glare and increase power production. All generated power will be for their own use. Proposed sites will be located in a corner of their pivots, outside of irrigated croplands. All sites will be fenced & meet current setback requirements. The board members & applicants reviewed imposed conditions on a previous, but similar, ground mount solar permit. Kolby Blackner made a motion to recommend the county commission approve the Conditional Use Permit with the same conditions as CUP 2018-04. Don Noyes seconded the motion. Mike Riley, Walter Schofield & Drew Coombs voted for, thus the motion passed unanimously.

**CONDITIONAL USE PERMIT:**

Sunroc Corporation representative, Ray Nelson, came before the board seeking a Conditional Use Permit for the installation of a portable concrete batch plant in Sec.10, T27S, R10W in an MU-20 District. The concrete will be used for the Smithfield expansion project, north of Milford. They will be bringing materials from Cedar City and mixing it on site. Mixer Trucks will stay on site at all times. At full capacity, they anticipate delivery of 350-400 tons of material which would increase traffic by 10 sets of trucks/trailers per day. They anticipate at least one year of production, with the potential for two, if expansion goes as planned. The board members and applicant reviewed the conditions from the previous Sunroc permit. Mike Riley made a motion to recommend the county commission approve the Conditional Use Permit w/ the same conditions as imposed on CUP 2013-01. Drew Coombs seconded the motion. Walter Schofield, Kolby Blackner, & Don Noyes all voted for, thus the motion passed unanimously.

### **WORK MEETING:**

Prior to discussion, Chairman Davis read a statement to the visitors in the gallery. Mr. Blackner then stated the current county setbacks for intensive livestock operations in an MU District, are only 750 feet, while Milford, Minersville, & Beaver have a two mile radius from their existing boundaries. He presented a county map, with an overlay that showed a two (2) mile radius from all unincorporated, residential communities within our county. After reviewing the map & some discussion, Mike Riley suggested we need to better define "a residential area". We also viewed an overlay with a one and a half (1½) mile buffer from any residence. Kolby Blackner stated that the questions we need to ask is, "Do we want to continue to be an agricultural county? Or push it to the wayside?" Drew Coombs inquired if there had been any problems/issues with the current setbacks. Mr. Blackner said that all existing swine operations currently exceed the two (2) mile radius of a residence. He said we need to include all intensive livestock (swine, cattle, goats, poultry, etc.) when considering the new setbacks. Kolby Blackner stated that he lives seventy five (75) yards from a feedlot and spoke of the responsibility to self-mitigate some of the circumstances that are associated w/ agriculture. We reviewed setbacks from Iowa, with options listed for units, weight, volume, etc. Mr. Blackner stated we have to choose from which perspective we approach the setbacks, as agricultural units can be used to determine distance. Drew Coombs felt that anything bordering a residential zone should be the buffer zone, rather than a residence in the middle of an Ag or MU District, as a conditional use permit is required to build a single family dwelling in both districts. Attorney, Leo Kanell, explained the reasons for the specific wording of our current definition of "Intensive Livestock Operation."

Jim Webb told us that a state discharge or water permit is required for 1000 animal units- but each animal type is defined by different criteria. Don Noyes suggested that 300 animal units does not adequately represent an intensive livestock operation, but felt the need for groundwater permits was a better definition. Kolby Blackner liked the wording in current definition. Setbacks have to be the same, across the zone and cannot be increased as a condition of a permit. Drew Coombs inquired of the board as to what a reasonable distance would be? Larger or smaller than the reviewed overlay? The overlay zone allows for establishing setbacks within existing zones, rather than rezoning the area- which could incorporate much of the county. Kolby Blackner suggested a one quarter (1/4) mile buffer from the adjoining districts. Attorney Kanell stated that the odor issue is the greatest concern to residents and that the setback distance is the most effective way to mitigate that concern. Mike Riley inquired if there were better methods to dispose of waste that would minimize odor? Drew Coombs felt that there was currently lots of opposition to agriculture-but no solutions presented and warned that tourism has the potential to cause similar conflicts with our agricultural development. The board would like to review several distance overlays to visualize the different options. Mr. Blackner will provide the board members with setback data from neighboring counties. Drew Coombs inquired if it was an option to create Swine husbandry Unit Districts or overlays, or restrict them in certain zones. Smithfield's setback recommendation is 3000 feet from a residence. Scott Albrecht reminded board members that the moratorium was implemented to make positive changes to the outdated ordinance. Drew Coombs made a motion that Mr. Blackner send all p/z members maps of potential overlay zones, surrounding county setbacks, definitions, and data for animal units, so they had time to review them and come prepared to address them at the next meeting. Mike Riley seconded the motion and suggested we expedite this process, with additional meetings, if need be. Water Schofield, Don Noyes, & Kolby Blackner voted for, thus the motion passed unanimously.

Due to a scheduling conflict with the State Caucus Meetings, Mike Riley made a motion to reschedule our next meeting for Wednesday, March 21<sup>st</sup>. Drew Coombs seconded the motion. Don Noyes, Kolby Blackner, & Walter Schofield voted for, thus the motion passed unanimously.

Drew Coombs made a motion to table the discussion on Conditional Use Permits for FFA/4-H. Kolby Blackner seconded the motion. Don Noyes, Mike Riley & Walter Schofield voted for, thus the motion passed unanimously.

Kolby Blackner made a motion to adjourn, Drew Coombs seconded the motion. Walter Schofield, Don Noyes and Mike Riley voted for, thus the motion passed unanimously.

The meeting was concluded at 8:48 p.m.

Minutes approved on \_\_\_\_\_.

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Darrel Davis - Chairman